

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

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**SECOND DECLARATION OF MICHAEL E. ZELIGER**

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I, Michael E. Zeliger, am a partner with the law firm of Kirkpatrick & Lockhart Nicholson Graham LLP, counsel for the Plaintiff CytoLogix Corporation. Under penalty of perjury, I declare the following to be true, to the best of my knowledge, information and belief:

1. Attached hereto as Ex. 12 is a true and correct copy of the entry for Relative Velocity from page 371 of *The Penguin Dictionary of Physics* (Market House Books Ltd., Penguin Books, 3d ed. 2000).

2. Attached hereto as Ex. 13 is a true and correct copy of page 54 of Louis A. Bloomfield, *How Things Work: The Physics of Everyday Life* (John Wiley & Sons 1997).

3. Attached hereto as Ex. 14 is a true and correct copy of pages 78-79 of Hugh D. Young and Roger A. Freedman, *University Physics* (Addison-Wesley 9<sup>th</sup> ed, Vol.1 1996).

4. Attached hereto as Ex. 15 is a CD containing true and correct copy of an educational video from the University of Toronto by Professors Patternson Hume and Donald Ivey entitled "Frames of Reference," as well as excerpts from that video.

5. Attached hereto as Ex. 16 is a true and correct copy of U.S. Patent Application No. 10/424,372, entitled “Automated Molecular Pathology Apparatus Having Fixed Slide Platforms.”

6. Attached hereto as Ex. 17 are true and correct copies of excerpts from the deposition of Geoffrey D. Nunberg, taken April 20, 2006.

7. Attached hereto as Ex. 18 is a true and accurate copy of page 891 of Webster’s Collegiate Dictionary (10<sup>th</sup> ed. 1996).

Dated: May 2, 2006

BY: /s/ Michael E. Zeliger  
Michael E. Zeliger